

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARK FREGIA,

Plaintiff,

v.

MIRANDA, *et al.*,

Defendants.

Case No. 1:21-cv-01068-JLT-BAM (PC)

ORDER CONSTRUING FILING AS MOTION
TO OBTAIN COPIES OF PLEADINGS AND
TRANSCRIPTS AT THE GOVERNMENT'S
EXPENSE

ORDER DENYING PLAINTIFF'S MOTION
TO OBTAIN COPIES OF PLEADINGS AND
TRANSCRIPTS AT GOVERNMENT'S
EXPENSE

(ECF No. 101)

Plaintiff Mark Fregia ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Ridge and Savage based on Plaintiff's claims that Defendants were deliberately indifferent to Plaintiff's serious medical needs by continuing to prescribe medications that caused him to suffer lichen planus, and then failed to treat such skin condition.

Currently before the Court is Plaintiff's Notice of Related Cases and Request to Obtain Copies of Pleadings/Transcripts at the Government's Expense, filed April 24, 2023. (ECF No. 101.) Plaintiff alleges that the instant action is related to his other pending action, *Fregia v. Chen*, Case No. 1:20-cv-01024-ADA-EPG (PC). Plaintiff also requests every Declaration of Service attached to all documents sent to Plaintiff in both this action and *Fregia v. Chen*, since May 24, 2022, and any and all submissions by Plaintiff in both cases, from May 24, 2022 to the present. Plaintiff states that the documents are needed for him to present to the Ninth Circuit in his pending appeal of the Court's March 8, 2023 order and findings and recommendations in this

1 action.

2 Plaintiff's request for copies is denied. On April 20, 2023, the Ninth Circuit issued an
3 order dismissing Plaintiff's appeal for lack of jurisdiction, because the March 8, 2023 order and
4 findings and recommendations are not final or appealable. (ECF No. 99.) As such, and to the
5 extent Plaintiff is requesting copies of the excerpts of the record pursuant to Ninth Circuit Rule
6 30-3, the request is moot.

7 In addition, Plaintiff is reminded that the Clerk of the Court does not ordinarily provide
8 free copies of case documents to parties, even those proceeding *in forma pauperis*. (ECF No. 3,
9 p. 2; ECF No. 54, p. 3.) Plaintiff is informed that the Clerk charges \$0.50 per page for copies of
10 documents, and copies may be made by the Clerk's Office at this Court upon written request,
11 prepayment of the copy fees, and submission of a large, self-addressed stamped envelope.
12 Plaintiff should specifically identify which documents he wants copied.

13 Finally, Plaintiff is reminded that in light of the Ninth Circuit's dismissal of his pending
14 interlocutory appeal, the Court reset the deadline for the filing of Plaintiff's objections to the
15 Court's March 8, 2023 findings and recommendations. (ECF No. 100.)

16 Accordingly, IT IS HEREBY ORDERED as follows:

- 17 1. Plaintiff's April 24, 2023 filing, (ECF No. 101), is CONSTRUED as a motion to obtain
18 copies of pleadings and transcripts at the government's expense;
- 19 2. Plaintiff's motion to obtain copies of pleadings and transcripts at the government's
20 expense, (ECF No. 101), is DENIED as moot; and
- 21 3. Plaintiff's objections to the March 8, 2023 findings and recommendations remain due on
22 or before **May 18, 2023**.

23
24 IT IS SO ORDERED.

25 Dated: April 26, 2023

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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